

**0.0 Planning Application PL17/027189 at 906-912 Doncaster Road, Doncaster East for the development the land for the construction of a part five, part six storey mixed use building over basement car parking, containing retail, restaurant and offices at the lower levels and eighteen dwellings above, with associated reduction in the associated car parking requirements and waiver of the loading bay requirement of the Manningham Planning Scheme**

File Number: IN17/566  
Responsible Director: Director Planning and Environment  
Applicant: Wardlin Nominees Pty Ltd, C/- Ratio Consultants Pty Ltd  
Planning Controls: Commercial 1 Zone, Design and Development Overlay, Schedule 1 and Parking Overlay, Schedule 2  
Ward: Koonung  
Attachments: 1 Advertised Plans/Decision Plans  
2 Legislative Requirements

## **EXECUTIVE SUMMARY**

### **Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for the land at 906-912 Doncaster Road, Doncaster East and recommends approval of the submitted proposal. The application is being reported to Council given that it is a Major Application (more than 15 dwellings and an estimated development cost of more than \$5 million).

### **Proposal**

2. The proposal is for the development of a part five (5) and part six (6) storey mixed use building with three (3) basement levels across the four (4) lots of 906-912 Doncaster Road, Doncaster East. The four lots combined make up a total site area of 964 square metres. The building provides 361 square metres of retail space (shop and restaurant), 1,113 square metres of office space and a total of eighteen (18) dwellings, comprising one (1), two (2) and three (3) bedroom dwellings over six levels. A total of sixty-five (65) car parking spaces are provided within the basement levels. The building has a maximum height of 18.55 metres, is constructed to all site boundaries and has 100% site coverage.

### **Key issues in considering the application**

3. The key issues for Council in considering the proposal relate to:
  - (a) State planning policy;
  - (b) Local planning policy;
  - (c) Design, built form and landscaping;
  - (d) Car parking, access, traffic, loading/unloading and bicycle parking;
  - (e) Amenity impacts; and
  - (f) Objector concerns.

**Objector concerns**

4. Four (4) objections have been received in relation to the application, raising issues which are summarised as follows:
  - (a) Car parking shortage within *Jackson Court*;
  - (b) Overdevelopment of the land;
  - (c) Overdevelopment of *Jackson Court*; and
  - (d) Traffic impacts to *Jackson Court*, Doncaster Road and the surrounding street network.

**Assessment**

5. Development of the land with a mixed-use building is consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the local planning policy relating to Neighbourhood Activity Centres.
6. The proposed development features a contemporary design and presents a scale and design that is considered to be acceptable for a Neighbourhood Activity Centre and complements other high density developments that have been approved in the surrounding area. Some changes are required to ensure that the development fully complies with the applicable policies for development within commercial areas and along Doncaster Road. These can be achieved via conditions of any approval.
7. The development will result in limited off-site amenity impacts to surrounding properties and provides for reasonable levels of internal amenity for future residents and other occupiers.

**Conclusion**

8. The report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring some minor design changes to the building and the submission of various plans for Council's approval.

**1. RECOMMENDATION****That Council:**

- A. Having considered the proposal and all objections, issues a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027189 at 906-912 Doncaster Road, Doncaster, for the development of the land for the construction of a part five, part six storey mixed-use building with 3 levels of basement car parking, providing retail, restaurant and offices at the lower levels and eighteen dwellings above, with associated reduction in the associated car parking requirements and waiver of the loading bay requirement of the Manningham Planning Scheme, subject to the following conditions:**

**Amended Plans**

- 1. Before the development starts, two copies of amended plans, drawn to scale and dimensioned, must be submitted to the satisfaction of**

and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by ClarkeHopkinsClarke, Job number 15041, dated 18 July 2017), but modified to show the following:

- 1.1 Nomination of the exact location where the private waste collection vehicle will stop and undertake waste collection from within the upper basement ensuring that a minimum 2.4m overhead height clearance is provided at this point to ensure that an orderly collection can occur.
- 1.2 The front (northern) wall of Office 1.02 at the first floor level aligned with the front wall of the restaurant below.
- 1.3 The southern wall at the ground floor level provided with a different colour/render finish which is to continue around the western elevation.
- 1.4 The provision of convex mirrors or alternative method of providing visibility for pedestrians adjacent to the basement entry.
- 1.5 Details of any measures to limit noise and smell pollution to the balconies and habitable room windows of the dwellings.
- 1.6 The location of any clotheslines on the balconies/terraces of the dwellings, with associated screening devices as required.
- 1.7 Any changes required to meet other conditions of this permit, including Condition 4, Condition 5 and Condition 7.

#### Endorsed Plan

2. The development shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

#### Construction Management Plan

3. Before the development commences, two copies of a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. When approved, the CMP will form part of the permit. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:
  - 3.1. Element A1: Public Safety, Amenity and Site Security
  - 3.2 Element A2: Operating Hours, Noise and Vibration Controls
  - 3.3 Element A3: Air Quality and Dust Management
  - 3.4 Element A4: Stormwater and Sediment Control and Tree Protection
  - 3.5 Element A5: Waste Minimisation and Litter Prevention
  - 3.6 Element A6: Traffic and Parking Management

**Functional Layout Plan**

4. Prior to the endorsement of plans pursuant to Condition No. 1 of this permit, a functional layout plan for the right-of-way must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must show the following changes to the laneway operation:
  - 4.1. Facilitation of one way traffic movement in a counter-clockwise direction only within the right-of-way;
  - 4.2. Modifications at the intersection of Jackson Court and the right-of-way to prevent vehicles exiting the right-of-way westbound at Jackson Court;
  - 4.3. The provision of a shared loading zone, as appropriate; and
  - 4.4. Installation of signage and line marking, as required.
5. Prior to the endorsement of plans pursuant to Condition No. 1 of this permit, an engineering plan for the right-of-way alterations required by Condition 4 of this permit must be submitted to and approved by the Responsible Authority.
6. Before the development commences, the alterations to the right-of-way, as shown on the functional layout plan approved under Condition 4 and in accordance with the engineering plan approved under Condition 5 of this permit, must be completed to the satisfaction of the Responsible Authority, unless otherwise agreed to by the Responsible Authority. All costs associated with these works are to be borne by the permit holder to the satisfaction of the Responsible Authority.

**BESS Report**

7. Prior to the endorsement of plans pursuant to Condition 1 of this permit, two copies of a modified version of the BESS Report must be submitted to and endorsed by the Responsible Authority. The modified BESS report must be generally in accordance with the BESS report submitted with the application (dated 10 March 2017), but modified to include the following:
  - 7.1 Energy section 1.2 – Thermal Performance Rating modified to ensure the whole development achieves at least a 10 percent improvement on National Construction Code minimum energy efficiency requirements (e.g. 6.6-stars average for dwellings and 10% improvement on section J requirements for commercial areas).
  - 7.2 Provide details of the proposed stormwater strategies, to adhere with Council's Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017.
8. The recommendations of the endorsed BESS Report pursuant to Condition 7 of this permit must be incorporated into the design and

layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.

9. Prior to the occupation of the dwellings, written confirmation from a qualified person or company must be submitted to the Responsible Authority to confirm that the sustainable design features/initiatives specified in the BESS report have been satisfactorily implemented in accordance with the approved plans.

#### **Waste Management Plan**

10. Prior to the endorsement of plans pursuant to Condition 1 of this permit, two copies of a waste management plan must be submitted (which adhere to the draft Waste Management Plan prepared by Leigh Design, dated 6 March 2017) and approved to the satisfaction of the Responsible Authority. When approved, the Waste Management Plan will form part of the permit.
11. No private waste contractor bins may be left outside the development boundary or left unattended at any time on any street frontage for any reason.

#### **Management Plan Compliance**

12. Management Plans approved under conditions of this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

#### **Landscaping**

13. Before the development commences, two copies of a landscape plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the landscape plan submitted with the application (*John Patrick Landscape Architects*, dated March 2017).
14. Before the occupation of dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

#### **Landscape Bond**

15. Before the release of the approved plan under Condition 1, a \$5,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works over the entire site, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### **Street Trees**

16. Except with the prior consent of the Responsible Authority, the existing street tree/s must not be removed or lopped.

#### Drainage

17. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor
18. The whole of the land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

#### Car Parking Areas

19. Before the occupation of any of the approved dwellings, all basement parking spaces must be appropriately lit, line-marked, numbered and signposted to provide allocation to each dwelling, office space and commercial space, to the satisfaction of the Responsible Authority.
20. Vehicles may only be parked within designated car parking spaces to the satisfaction of the Responsible Authority.
21. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement, and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel, to the satisfaction of the Responsible Authority.

#### Completion

22. Privacy screens to balconies and obscure glazing as required in accordance with the plans approved pursuant to Condition 1 of this permit must be installed prior to occupation of the buildings, to the satisfaction of the Responsible Authority, and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
23. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
24. Driveway gradients and transitions, as shown on the plan approved under Condition 1 of this permit, must be generally achieved through the driveway construction process, to the satisfaction of the Responsible Authority.

#### General Services

- 25. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located, to the satisfaction of the Responsible Authority.**
- 26. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively, to the satisfaction of the Responsible Authority.**
- 27. All PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering, to the satisfaction of the Responsible Authority.**
- 28. All roof-top plant (excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.**
- 29. Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site, to the satisfaction of the Responsible Authority**
- 30. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site and, unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall, to the satisfaction of the Responsible Authority.**
- 31. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace and must not be visible from off the site, to the satisfaction of the Responsible Authority.**
- 32. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.**
- 33. All on-site services, including water, electricity (excluding the existing sub-station), gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 34. All hot water systems (excluding associated solar panels) must be installed within the subject buildings, unless otherwise agreed in writing with the Responsible Authority.**
- 35. Buildings, paved areas, drainage and landscaping (including planting within integrated balcony planters) must be maintained to the satisfaction of the Responsible Authority.**
- 36. Letterboxes must be designed and located to satisfy the requirements of Australia Post, to the satisfaction of the Responsible Authority.**
- 37. In the event of gas being supplied to the approved dwellings, the**

owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters, to the satisfaction of the Responsible Authority. Where no such placement is possible, meters must be “banked” and provided with a neatly designed, durable screen surround (in stained timber, or dark coloured, perforated metal sheeting, for instance), to the satisfaction of the Responsible Authority.

38. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located, so as not to adversely affect the amenity of the area by way of appearance/visual prominence, to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained, to the satisfaction of the Responsible Authority.
39. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems), which is visible to immediate neighbours or from the street, may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
40. If in the opinion of the Responsible Authority, roof plant proposed under Condition 1 of the permit is acceptable subject to the erection of sight screens, such sight screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access, to the satisfaction of the Responsible Authority.
41. A centralised TV antenna must be installed and connections made to each dwelling, to the satisfaction of the Responsible Authority.
42. No individual dish antennae may be installed on the overall building, to the satisfaction of the Responsible Authority.
43. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site, to the satisfaction of the Responsible Authority.

#### Noise

44. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation, including State Environment Protection Policy N-1, and, in particular, any basement exhaust duct/unit must be positioned so as to minimise noise impacts on residents of the subject building and adjacent properties, to the satisfaction of the Responsible Authority.

#### Restaurant

45. Except with the prior written consent of the Responsible Authority, the number of patrons to the restaurant must not exceed 60 patrons at any one time.
46. Noise levels emanating from the premises must not exceed those required to be met under the State Environment Protection Policy (Control of Music Noise from Public Premises, No. N-2) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the responsible authority.
47. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

#### Expiry

48. This permit will expire if one of the following circumstances applies:
  - 48.1 The development is not started within two (2) years of the date of the issue of this permit; and
  - 48.2 The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend these times if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning and Environment Act 1987.

## 2. BACKGROUND

- 2.1 The application was received by Council on 17 March 2017. Prior to lodgement, pre-application advice was sought from Council.
- 2.2 A request for further information letter was sent on 12 April 2017. That letter included preliminary concerns relating to the built form, scale, functionality, car parking and vehicle access.
- 2.3 The proposal was presented to the Sustainable Design Taskforce meeting on 27 April 2017, at which the predominant issues and discussions related to yield, use, design and built form, car parking and on-site amenity.
- 2.4 All required further information was received by Council on 21 July 2017.
- 2.5 The application was advertised on 4 August 2017.
- 2.6 The statutory time for considering a planning application is 60 days, which lapsed on 14 October 2017.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The site comprises four (4) lots within an attached shopping strip fronting Doncaster Road. The shopping strip is on the north-eastern corner of the *Jackson Court* neighbourhood activity centre, approximately 20 metres east of Jackson Court. The site adjoins a right-of-way laneway to the rear (south).
- 3.2 Together the lots form a rectangular shaped site, with a width of 24.65 metres and depth of 39.08 metres and a total site area of 964 square metres.
- 3.3 The site slopes down from the frontage (north to south), 1.94 metres along the eastern boundary and 1.77 metres along the western boundary. The site has a gentler slope down along the frontage (northern boundary) of 0.73 metres from west to east.
- 3.4 The western lots (906-908 Doncaster Road) are currently developed with a single-storey rendered brick building containing a real estate agent office (*Parkes Property*). The eastern lots (910-912 Doncaster Road) are currently developed with a two-storey rendered brick building containing a restaurant (*Malaysian Kitchen*). The buildings on the two lots are attached and are also attached to the commercial buildings on the adjoining properties to the east and west respectively.
- 3.5 Both lots contain sealed, uncovered car parking spaces to the rear, with vehicle access provided through the right-of-way. Shop-front, pedestrian access to the buildings is obtained via the footpath on the Doncaster Road frontage.
- 3.6 The land titles for all four lots are clear of any encumbrances, caveats or other notices and are not burdened by any easements.

#### The Surrounds

- 3.7 *Jackson Court* is located on the southern side of Doncaster Road, under 2 kilometres east of *Doncaster Hill*. Adjoining *Jackson Court* is the *Doncaster Reserve* on the eastern side, an office building on the western side and residential developments to all other sides. Of note is an approved five-storey, mixed use building at 3-11 Mitchell Street, to the west of *Jackson Court* (Planning Scheme Amendment C95). There are a number of other multi-dwelling developments along Doncaster Road within the surrounding area.
- 3.8 *Jackson Court* is approximately 1.7 kilometres from the nearest *Eastern Freeway* onramp (*Wetherby Road*) and 4 kilometres from the *Doncaster Park and Ride*. Arterial road vehicle access to *Jackson Court* is provided via Doncaster Road, with access from both Mitchell Street and Jackson Court. Access is also available from the residential streets to the south, via Mitchell Street and Bullen Street. In each direction, bus stops are located on Doncaster Road outside of the centre, serviced by the 902, 907 and 961 routes.
- 3.9 *Jackson Court* is a neighbourhood sized activity centre, intended to be of a scale that services the convenience needs of the local community. The centre contains a mix of commercial uses, including shops, restaurants and offices. Council has no record of any existing dwellings or other residential uses within the centre.

- 3.10 *Jackson Court* contains a diverse mix of commercial architectural styles. The centre contains predominantly single-storey development, with limited examples of two-storey buildings. There are currently no buildings that exceed two-storeys.
- 3.11 Public car parking for *Jackson Court* is provided in a number of locations, including a large central car park within the centre, a car parking bay on the north-eastern side of the centre on Mitchell Street, a car parking strip along Doncaster Road to the north of the subject strip and a separate car park to the south of the centre on the corner of Bullen Street and Lord Street. All public car parks appear to be owned and maintained by Council.
- 3.12 Additional on-street car parking is also available along Bullen Street. In total, approximately three-hundred and twenty (320) public car parking spaces are available to the activity centre. The majority of the individual premises also include informal, private car parking at the rear of the buildings.
- 3.13 The shopping strip that the subject site is located within consists of eight (8) attached buildings. Besides the subject site (910-912 Doncaster Road), all other buildings within the strip are currently single-storey to the frontage (Planning Permit PL16/026521 was issued by Council on 31 January 2017 for the addition of a first floor at 904 Doncaster Road, adjoining the subject site on the western side).
- 3.14 The lots on the eastern side of the shopping strip (from 914A Doncaster Road to 916C Doncaster Road) feature a front boundary that is recessed approximately 2.4 metres behind the front boundary of the lots on the western side of the strip (from 900 to 910 Doncaster Road). This creates a staggered front building line between the two sides of the shopping strip.
- 3.15 All buildings within the shopping strip feature similar development characteristics to the subject sites, with shop-fronts facing Doncaster Road and car parking to the rear, accessed via the right-of-way. 914B and 916C are the exceptions, with buildings that occupy majority of the allotment and include undercroft levels to the rear. The majority of the buildings include some form of awning or canopy feature over the footpath.
- 3.16 The adjoining properties to the east and west are currently developed with a shop (*Doncaster Sporting Gear*) and a restaurant (*Zero95 Pizza*).

#### 4. THE PROPOSAL

- 4.1 It is proposed to demolish the existing buildings on the sites (no planning permit required) and construct a maximum six (6) storey, mixed-use building providing retail and office space and eighteen (18) dwellings over three (3) levels of basement car parking.

##### Submitted Plans and Documents

- 4.2 The proposal is outlined on the plans prepared by *ClarkeHopkinsClarke*, Job number 15041, dated 18 July 2017 (received by Council on 21 July 2017). Refer to Attachment 1.
- 4.3 In addition, the following reports and plans were submitted with the application:
- Town Planning Report (*Ratio Consultants*, dated March 2017);

- Traffic Impact Report (*Ratio Consultants*, dated 28 June 2017) and addendum (*Ratio Consultants*, dated 3 August 2017);
- Waste Management Plan Report (*Leigh Design*, dated 23 June 2017)
- BESS Report (*BESS*, dated 10 March 2017); and
- Landscape Plan (*John Patrick Landscape Architects*, dated March 2017).

### Development Summary

4.4 A summary of the development is provided as follows:

<b>Land Size:</b>	964m <sup>2</sup>	<b>Maximum Building Height:</b>	18.55m
<b>Site Coverage:</b>	100%	<b>Street setback to Doncaster Road footpath (north)</b>	Basement 3 – 15m Basement 2 – 0m Basement 1 – 0m Ground floor – 0m First floor – 0m Second floor – 2.5m Third floor – 4m Fourth floor – 4m
<b>Permeability:</b>	0%	<b>Setback to southern boundary (rear)</b>	Basement 3 – 0m Basement 2 – 0m Basement 1 – 0m Ground floor – 0m First floor – 0m Second floor – 0m Third floor – 3m Fourth floor – 2.92m
<b>Number of Dwellings:</b>	18	<b>Setback to eastern boundary (side)</b>	Basement 3 – 0m Basement 2 – 0m Basement 1 – 0m Ground floor – 0m First floor – 0m Second floor – 0m Third floor – 0m Fourth floor – 0m
<ul style="list-style-type: none"> <li>• <b>1 bedroom:</b></li> <li>• <b>2 bedroom</b></li> <li>• <b>3 bedroom</b></li> </ul>	<ul style="list-style-type: none"> <li>• 4</li> <li>• 10</li> <li>• 4</li> </ul>	<b>Setback to western boundary (side)</b>	Basement 3 – 0m Basement 2 – 0m Basement 1 – 0m Ground floor – 0m First floor – 0m Second floor – 0m Third floor – 0m Fourth floor – 0m
<b>Residential Density:</b>	One dwelling per 53.56m <sup>2</sup>	<b>Car parking spaces:</b>	65
<b>Retail Space:</b>	362m <sup>2</sup>	<b>Resident spaces:</b>	22
<b>Office Space:</b>	1,133m <sup>2</sup>	<b>Commercial/visitor spaces:</b>	43

### Development Layout

- 4.5 The ground floor level includes a shop (182 square metres) and restaurant (179 square metres and 80 patrons) with shop-front interfaces to Doncaster Road and two (2) office spaces (184 square metres and 185 square metres respectively) to the rear. Centrally located courtyards associated with the shop and restaurant are located on the eastern and western sides.
- 4.6 The first floor level contains four (4) office spaces of between 181 square metres and 199 square metres. The offices are centrally separated by a lobby and communal kitchens, with voids/light courts located on the eastern and western sides.
- 4.7 The second floor level contains seven (7) dwellings (2.01 to 2.07), consisting of two, one-bedroom dwellings, four, two-bedroom dwellings and one, three-bedroom dwelling. All dwellings are provided with balconies on either the northern or southern side of the building. All dwellings at this level are provided with one living area and no habitable rooms rely on borrowed light. The voids continue up the western and eastern sides of this elevation.
- 4.8 The third floor level contains seven (7) dwellings (3.01 to 3.07), consisting of two, one-bedroom dwellings, four, two-bedroom dwellings and one, three-bedroom dwelling. All dwellings are provided with balconies on either the northern or southern side of the building. All dwellings at this level are provided with one living area and no habitable rooms rely on borrowed light. The voids continue up the western and eastern sides of this elevation.
- 4.9 The fourth floor level contains four (4) dwellings (4.01 to 4.04), consisting of two, two-bedroom dwellings and two, three-bedroom dwellings. All dwellings are provided with dual-side terraces on their respective interfaces. All dwellings at this level are provided with one living area and no habitable rooms rely on borrowed light. The voids continue up the western and eastern sides of this elevation.

### Vehicle and Pedestrian Access

- 4.10 Vehicle access is proposed to be provided via the right-of-way located to the south of the site. A remote control secure door provides access from the right-of-way to the basement levels. A 6.4 metre wide access aisle provides for movement between the three basement levels.
- 4.11 Basement 1 includes twenty-seven (27) car parking spaces, including two (2) spaces for the shop, four (4) spaces for the restaurant, twenty (20) for the offices and one (1) unallocated accessible space. This level includes six (6) car parking spaces in a tandem arrangement allocated to the offices. A common waste storage/collection area and fourteen (14) bicycle spaces are provided within this level.
- 4.12 Basement 2 includes twenty-four (24) car parking spaces, including sixteen (16) office spaces and eight (8) resident spaces. This level also includes twenty (20) secure storage spaces.
- 4.13 Basement 3 includes fourteen (14) resident car parking spaces and five (5) secure storage spaces.

- 4.14 A total of sixty-five (65) car parking spaces are provided within the three basement levels. As the development requires a total of seventy-two (72) car parking spaces, a reduction of seven (7) spaces is required as part of this application.
- 4.15 The building is serviced by a central lift and stairwell that services all levels, including the basement levels. At the ground floor level, a central walkway between the shop and restaurant provides access from Doncaster Road to the central lobby, lift and stairwell. Individual entrances are provided to the shop and restaurant from the footpath. All dwellings and office spaces are accessed via the central lobby of their respective levels.

### **Earthworks**

- 4.16 Earthworks are required to accommodate the basement levels, with a maximum cut depth of approximately 8.5 metres.

### **Landscaping**

- 4.17 There is no existing vegetation on the site.
- 4.18 The development proposes several landscaping areas throughout the site, including creeper planting along the southern elevation, planter boxes within the ground floor courtyards and planter boxes along the edges of the second floor and fourth floor balconies.

### **Design Detail**

- 4.19 The proposed building features a modern contemporary architectural design, consisting predominantly of 'square' design elements. The façades utilise a range of contemporary building materials and finishes and colours, along with a variety of glazing sizes, feature cladding finishes and other design elements to provide articulation to all facades.
- 4.20 Recessing at the front and rear is provided at the second floor level, where a notable difference in the prominence of the design elements is also evident. At the ground floor level, the front wall of the restaurant is chamfered to create a link between the front walls of the adjoining buildings.

## **5. LEGISLATIVE REQUIREMENTS**

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following clauses of the Manningham Planning Scheme:
- Clause 34.01-4 (**Commercial 1 Zone**), a permit is required to construct a building or construct or carry out works.
  - Clause 43.02-2 (**Design and Development Overlay**), a permit is required to construct a building or construct or carry out works.
  - Clause 52.06-3 (**Car Parking**), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

- Clause 52.07 (**Loading and Unloading of Vehicles**), a permit is required to reduce or waive the loading and unloading requirements of Clause 52.07.

## 6. REFERRALS

### External

6.1 There are no external determining or recommending referral authorities.

### Internal

6.2 The application was referred to a number of service units within Council. The following table summarises the responses:

Service Unit	Comments
<b>Business, Culture and Venues – Economic Development</b>	<ul style="list-style-type: none"> <li>• The proposal for 906-912 Doncaster Road is situated in one of our identified Neighbourhood Activity Centres. This is also situated on one of the busiest roads in Manningham (Doncaster Road).</li> <li>• This location is ideal for a mixed use development such as this. The mix of ground floor retail, hospitality and first floor office is the recommended use for this site. The retail and restaurant allocation will meet the current occupations on the site. The inclusion of 1,133 square metres of office space is pleasing as there is currently a high demand of leasable office space in Manningham.</li> <li>• Jackson Court is expected to increase as a destination for local retail and other services. Recent developments that are underway in the vicinity will improve the offer and cater to a wider demographic of shoppers.</li> <li>• This development is the kind of mixed use result that will help drive economic growth and employment potential for our Neighbourhood Activity Centres.</li> </ul>
<b>City Strategy – Sustainability</b>	<ul style="list-style-type: none"> <li>• The application almost meets Council's expectations for Environmentally Sustainable Design (ESD) standards for a development of this type and scale in its current form. Items to be addressed are outlined below: <ul style="list-style-type: none"> <li><u>Energy 1.1-2 Thermal Performance Rating</u> <ul style="list-style-type: none"> <li>○ For a development of this size we expect the whole development to commit to achieving at least a 10% improvement on National Construction Code minimum energy efficiency requirements (e.g. 6.6-stars average for dwellings and 10% improvement on section J requirements for commercial</li> </ul> </li> </ul> </li> </ul>

Service Unit	Comments
	<p>areas).</p> <p><u>Stormwater</u></p> <ul style="list-style-type: none"> <li>○ The BESS report does not include details of stormwater strategies proposed. We expect the proposed stormwater management strategy to adhere to Council's Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017.</li> </ul>
<p><b>City Strategy – Urban Design</b></p>	<ul style="list-style-type: none"> <li>• The proposed building height is appropriate and is in keeping with the scale of nearby approved development (in Mitchell Street) and is of a similar scale to residential apartments being constructed along the Doncaster Road corridor. The proposed recessing of upper levels will assist in reducing the visual impact of the height of the development.</li> <li>• The development is high quality and contemporary and maximises northern orientation.</li> <li>• The development proposes a setback transition to tie-in with the setback of the neighbouring property to the east. We would suggest that this transition be reflected in the upper levels of the building also, while being mindful of the need for a building (sun) awning or canopy for the restaurant below.</li> <li>• Greater effort is required to visually break up the expanse of blank wall on the western elevation – particularly towards to rear of the property / towards the laneway. This could be achieved by variation in the concrete patterning and/or use of coloured banding/s.</li> <li>• It is likely that there will be an expectation that some of the restaurant and shop trade will spill into the streetscape. Careful planning will be required to ensure that any temporary or permanent café or outdoor display infrastructure be tastefully designed and integrated into the design of the streetscape. The applicant should note that permanent infrastructure in the public footway requires a planning permit.</li> <li>• No detail is provided for building signage at this stage. It is suggested that any/all commercial signage be integrated into the fabric of the building. Stand-alone, internally illuminated boxes and a mismatched collection of Perspex lettering and logos would tarnish the development and will not be acceptable.</li> </ul>

Service Unit	Comments
<b>Engineering &amp; Technical Services Unit – Accessways</b>	<ul style="list-style-type: none"> <li>• The driveway(s) is at least 3m wide and complies with Design Standard 1: Accessways of Clause 52.06-9 and are satisfactory.</li> <li>• The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory.</li> <li>• A minimum 2.1m of headroom clearance beneath overhead obstructions is provided, which complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory.</li> <li>• Accessway sightlines at the basement entrance are obstructed or not defined for the driveway and are not satisfactory. <b>Condition required.</b></li> <li>• Driveway gradients comply with Design Standard 3: Gradients of Clause 52.06-9 and are satisfactory.</li> <li>• The laneway is required to be converted to a one way traffic movement in a clockwise direction, with vehicles entering at the western end of the laneway at Jackson Court and exiting at the southern end. In order to facilitate conversion of the existing two way traffic movement within the laneway to a one way operation, the following physical changes may be required, but are not limited to: <ul style="list-style-type: none"> <li>○ Modifications at the intersection of Jackson Court and the laneway to prevent vehicles exiting the laneway westbound at Jackson Court;</li> <li>○ The provision of a Loading Zone, as appropriate; and</li> <li>○ Installation of signage and line marking, as required.</li> </ul> </li> </ul> <p>Prior to the endorsement of any plan, a Functional Layout Plan in accordance with the above must be submitted to and approved by the Responsible Authority. <b>Conditions required.</b></p>
<b>Engineering &amp; Technical Services Unit – Footpath and Crossovers</b>	<ul style="list-style-type: none"> <li>• The vehicle crossover is satisfactorily located.</li> </ul>
<b>Engineering &amp;</b>	<ul style="list-style-type: none"> <li>• A <i>Construction Management Plan</i> is required.</li> </ul>

Service Unit	Comments
<b>Technical Services Unit – Construction Management</b>	<b>Condition required.</b>
<b>Engineering &amp; Technical Services Unit – Drainage</b>	<ul style="list-style-type: none"> <li>• A point of discharge is available for the site. Stormwater must not be discharged from the site other than by means of drainage to the legal point of discharge. <b>Condition required.</b></li> <li>• The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties. <b>Condition required.</b></li> </ul>
<b>Engineering &amp; Technical Services Unit – Flooding</b>	<ul style="list-style-type: none"> <li>• The property is not subject to inundation.</li> </ul>
<b>Engineering &amp; Technical Services Unit – Easement</b>	<ul style="list-style-type: none"> <li>• No easements burden the site.</li> </ul>
<b>Engineering &amp; Technical Services Unit – Parking Provisions and Traffic Impacts</b>	<ul style="list-style-type: none"> <li>• The number of car parking spaces provided is not in accordance with Clause 52.06-5. A reduction of 7 parking spaces in the total of on-site car parking spaces required under the Planning Scheme is not supported in the context of the surrounding development, the street network and the demonstrated existing high demand for parking within the precinct.</li> <li>• VicRoads has advised Council that the proposed development could impact on the vehicular movements at the signalised intersection at Jackson Court and Doncaster Road. VicRoads has also advised that the submitted Traffic Impact Assessment prepared by Ratio dated 28 June 2017, does not adequately address the operations of the signalised intersection in respect of the proposed development. The applicant is to prepare a traffic assessment report demonstrating how vehicular movements will impact the functionality of the signalised intersection and submit the report to VicRoads for review and approval prior to endorsement of the Plan. <b>Condition required.</b></li> </ul>
<b>Engineering &amp; Technical Services Unit – Waste Management</b>	<ul style="list-style-type: none"> <li>• Waste collection must be undertaken by a private contractor from within the property basement.</li> <li>• The developer will need to ensure that a private waste collection vehicle will have a minimum 2.4m overhead</li> </ul>

Service Unit	Comments
	<p>height clearance at the bin collection point within the basement to ensure that an orderly collection can occur.</p> <ul style="list-style-type: none"> <li>• No private waste contractor bins may be left outside the property boundary for any reason.</li> <li>• Prior to endorsement of any plan: <ul style="list-style-type: none"> <li>○ Two copies of a Waste Management Plan must be submitted (which adhere to the draft Waste Management Plan prepared by Leigh Design, dated 6 March 2017) and approved to the satisfaction of the Responsible Authority. When approved the Waste Management Plan will form part of the permit.</li> <li>○ The developer is required to show the exact location a private waste collection vehicle will stop and undertake waste collection from within the upper basement and ensure that a minimum 2.4m overhead height clearance is provided at this point to ensure that an orderly collection can occur.</li> <li>○ No private waste contractor bins may be left outside the development boundary or left unattended at any time on any street frontage for any reason.</li> </ul> </li> </ul> <p><b>Conditions required.</b></p>

## 7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period, concluding on 29 August 2017, by sending letters to the owners and occupiers of surrounding properties within *Jackson Court* and displaying three (3) large signs on the site in accordance with the Act.

7.2 To date, four (4) objections have been received from the following properties:

- 42 Ross Street, Doncaster East;
- 914A Doncaster Road, Doncaster East;
- 916C Doncaster Road, Doncaster East; and
- 22 Bullen Street, Doncaster East.

7.3 The grounds of objection are summarised as follows:

- Car parking shortage within *Jackson Court*;

- Overdevelopment of the land;
- Overdevelopment of *Jackson Court*; and
- Traffic impacts to *Jackson Court*, Doncaster Road and the surrounding street network, including an over-reliance on the rear right of way for access.

7.4 A response to the grounds of objection are included in the assessment from sections 8.66 to 8.75 of this report.

## 8. ASSESSMENT

### State Planning Policy

- 8.1 The development, having regard to its strategic location, mixed use nature and architectural design is considered to respond positively to the State Planning Policy Framework. The development provides due consideration to overarching settlement objectives in accordance with Clause 11 Settlement of the Manningham Planning Scheme (the Scheme), contributing towards economic viability, a high standard of urban design and amenity and integrated land use planning.
- 8.2 At a state level, the location of the development within an existing urban area lessens the pressure for development within fringe areas where environmental and landscape values are paramount, instead ensuring growth occurs within areas of existing services, jobs, infrastructure and public transport.
- 8.3 In addition, the general location of the development responds favourably to a number of relevant state provisions of the Scheme, including Clause 11.06 Metropolitan Melbourne, Clause 12 Environmental and Landscape Values, Clause 18 Transport and Clause 19 Infrastructure.
- 8.4 Further, the location within an existing activity centre and along a main road, where reasonable private and public transport access is achieved, fits within the principle of the “*20 minute neighbourhood*” in accordance with the primary objectives of *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land Water and Planning, 2017), the relevant strategic document for planning within Victoria.
- 8.5 The proposed development generally achieves good architectural and urban design outcomes that contribute positively to the public realm and adequately consider the development context in accordance with the objectives of Clause 15 Built Environment and Heritage. Further consideration of the specific aspects of the design is provided under the subsequent assessment headings.
- 8.6 The mixed use nature of the development, incorporating both commercial and residential uses, contributes to both economic well-being and housing diversity in an effective and efficient manner.
- 8.7 The inclusion of apartment-style dwellings within the development introduces a residential component to an existing commercial area, providing the opportunity for future residents within an immediately well-serviced area, whilst providing for housing diversity in the context of the residential development surrounding

*Jackson Court*. In light of this, the development complies with the objectives of Clause 16 Housing of the Scheme.

- 8.8 The location of the development within a commercial centre and the mixed-use provision within the development itself satisfies the objectives of Clause 17 Economic Development of the Scheme. The inclusion of office and retail spaces assists in accommodating growing business demands within Manningham and provides a net community benefit through the provision of new commercial opportunities that are easily accessible to the local community.

### **Local Planning Policy**

- 8.9 The aforementioned principles and objectives of the State Planning Policy Framework are further developed at a local level through the Local Planning Policy Framework. In accordance with Council's Municipal Strategic Statement (MSS) for the creation of a sustainable Manningham, the proposed development is best considered in an integrated manner using the focus areas of *Residential* (Clause 21.05) and *Activity Centres and Commercial Areas* (Clause 21.09).
- 8.10 Whilst it is noted that Clause 21.05 Residential does not strictly apply to land within commercial zones, several aspects of this policy are considered to provide support for the proposed development. Through the application of four different residential precincts, Clause 21.05 identifies residential areas surrounding activity centres and along main roads (Residential Precinct 2) as being a *focus for higher density development where a substantial level of change is anticipated*. Residential Precinct 2 specifically identifies Doncaster Road as a main road suitable for this level of development. In addition, Clause 21.05 also aims to limit the supply of commercial development outside of existing activity centres to maintain suitable amenity within existing residential areas.
- 8.11 Clause 21.09 *Activity Centres and Commercial Areas* applies to all activity centres and commercial areas, as identified in Framework Plan 5, identifying activity centres as an integral part of the local economy, employment generation, community life and social interaction. *Jackson Court* is identified as a "*Neighbourhood Activity Centre*". Strategically, this puts *Jackson Court* below only *Doncaster Hill* ("Major Activity Centre") and *The Pines* ("Major Activity Centre") and in-line with nine (9) other Neighbourhood Activity Centres insofar as importance to Manningham's commercial growth.
- 8.12 There are no applicable urban design masterplans or structure plans for *Jackson Court*. Accordingly, at a local level, the form and type of development within *Jackson Court* is best guided by Clause 21.09 and the other applicable local policies.
- 8.13 Clause 21.09 identifies Neighbourhood Activity Centres as providing a *limited mix of uses to meet local convenience needs*, where opportunities for a range of *social, community and recreation services* will be encouraged. Along with the Major Activity Centres, Neighbourhood Activity Centres are identified as being the focus of *increased residential growth and development and increased medium density development*. More specifically, the improvement of *functionality, accessibility, safety and social interaction*, the promotion of *sustainability* and the address of *scale and identity* through site responsive design are all encouraged.
- 8.14 The proposed development is considered to achieve the aforementioned outcomes for Neighbourhood Activity Centres. Importantly, the introduction of a

residential component to *Jackson Court*, where no residential uses are currently located, achieves the objectives of increasing residential growth and medium density development within these centres. Moreover, the additional commercial uses will contribute to the economic and service needs of the surrounding community.

- 8.15 Generally, the development is considered to respond positively to the key issues and meet the objectives relevant to Neighbourhood Activity Centres, as listed under Clause 21.09-4. These are addressed in greater detail under the subsequent assessment headings.
- 8.16 Clause 22.01 Design and Development Policy of the Scheme applies to all development within a Commercial 1 Zone. This policy provides guidance for the scale, form and appearance of a development. A full assessment under this clause is provided under the subsequent Design, Built Form and Landscaping heading.
- 8.17 The proposed restaurant within the building complies with the objectives of Clause 22.06 Eating and Entertainment Premises Policy of the Scheme. In short, the location of the restaurant within an existing commercial area is encouraged by all relevant policy, whilst the floor space of 179 square metres and patronage of sixty (60) are acceptable with regard to the surrounding context. It is further noted that the restaurant replaces an existing ninety (90) patron restaurant on the land (*Malaysian Kitchen*, 910-912 Doncaster Road).
- 8.18 More generally again, the proposed development appropriately considers the intents of Clause 22.08 Safety Through Urban Design Policy, through appropriately designed, orientated and integrated public and private spaces creating good perception of surveillance, and Clause 22.09 Access for Disabled People Policy, with the central lift providing accessibility throughout the building. These aspects of the development are assessed in greater detail under subsequent assessment headings.

### **Design, Built Form and Landscaping**

- 8.19 Clause 22.01 Design and Development Policy provides policy relating to seven identified design elements, being: *context, landscape design, the public realm, landmarks, views and vistas, residential interface, car park and driveway construction and subdivision*.
- 8.20 In the absence of any urban design masterplans or structure plans for *Jackson Court*, the design and built form of the proposed development is best assessed against the particulars of this policy, along with the design objectives and development requirements of Schedule 1 to the Design and Development Overlay.
- 8.21 Clause 22.01 provides the following objectives:
- *To ensure that the design, location and appearance of development respects the height and massing of surrounding development where this is a recognised and valued feature.*
  - *To encourage contemporary architecture combined with innovative urban design and building techniques, where appropriate.*

- *To promote the siting of land uses and development, which reduces the need to travel and encourages multi-purpose trips.*
- *To retain existing vegetation where possible and ensure that a high standard of landscaping is achieved.*
- *To achieve a ‘boulevard’ character and well-defined built edge along Doncaster Road.*
- *To discourage development that restricts significant views from main roads.*
- *To achieve design, which is functional, safe, convenient, attractive, accessible and responsive to the site and surrounds.*
- *To facilitate the creation of functional and high quality built form and urban spaces.*
- *To encourage active street frontages.*
- *To ensure protection from unreasonable overlooking or overshadowing of abutting and nearby residential properties.*
- *To ensure that land used for vehicle access and parking is properly designed, constructed and drained.*

8.22 Following the objectives, Clause 22.01-3 provides a series of policies relating to the seven identified design elements that establish the means of meeting the objectives. An assessment against these policies is provided as follows:

Policy	Met/Not Met
<p><b>Context</b></p> <p><i>Development recognises and responds to the natural and built form elements of the surrounding area and achieves a site responsive design.</i></p>	<p><b>Met.</b></p> <p>It is noted that the proposed six-storey building significantly exceeds the height of any existing building within <i>Jackson Court</i>, where single and two-storey built form is prevalent.</p> <p>In relation to this policy, the relevant objective of Clause 22.01 requires <i>the design, location and appearance of development respects the height and massing of surrounding development <u>where this is a recognised and valued feature.</u></i></p> <p>The prevailing built form of <i>Jackson Court</i> is not identified as a recognised or valued feature. In light of this and the overwhelming support for this form of development within both the State and Local Planning Policy, the scale of the built form is considered to be acceptable. It is anticipated that other developments of this nature are likely to occur within <i>Jackson Court</i> in the future, significantly altering the existing character over time.</p>

Policy	Met/Not Met
	<p>Further, the proposed building height of 18.55 metres (maximum) is appropriate as it is reflective of the building height of the approved development at 3-9 Mitchell Street (Amendment C95), which includes a maximum building height of 18.20 metres.</p> <p>Notwithstanding the above, the development is respectful of existing two-storey built form within <i>Jackson Court</i> by including a 'heavy' first floor element and subsequent recessing of the levels above. This creates an emphasis on the two-storey built form of the development as visible from Doncaster Road, reducing visual impact associated with the levels above.</p>
<p><i>Development promotes innovative, contemporary built form which complements the streetscape with respect to building form, colours and materials, height, massing, building setbacks, roof form and window and door proportions, where appropriate.</i></p>	<p><b>Met.</b></p> <p>The development provides a high quality architectural response, with the contemporary built form being similar in architectural style to several existing and approved developments along Doncaster Road.</p>
<p><i>Development is designed to respond to landform, orientation and landscape features.</i></p>	<p><b>Met.</b></p> <p>The development appropriately responds to the north-to-south fall of the land, with undercroft siting of Basement Level 1 to allow at-grade vehicle access on the southern side, whilst maintaining at-grade shop-fronts on the northern side.</p> <p>The development maximises the northern orientation where possible, providing for shop frontages at the ground floor level and northern-orientated living areas and balconies on the northern side of the building where possible.</p> <p>There are no existing landscape features on the site that require consideration.</p>
<p><i>Visual bulk be minimised through the articulation of form and surface treatments.</i></p>	<p><b>Met.</b></p> <p>The development provides a high quality architectural response, with articulation and visual interest provided via a range of measures, including a variety of glazing types and sizes, a mix of finishes and colours and the use of design features.</p> <p>Articulation is provided to all facades in a manner that suitably minimises blank surfaces and visual</p>

Policy	Met/Not Met
	bulk.
<p><i>The design of any building avoids blank walls.</i></p>	<p><b>Met, subject to conditions.</b></p> <p>For the most part, the development avoids blank walls and provides visually interesting facades where possible, noting the constraints imposed by the nature of the lot, with attached buildings to the eastern and western sides.</p> <p>Opportunities for articulation through glazing or other means is limited due to potential future development on the adjoining lots. Subsequently, the presence of generally blank walls on the eastern and western sides is acceptable, with sufficient levels of visual interest provided via the break in the built form created by the light courts/voids and the use of sheet cladding.</p> <p>However, there are two locations where the presence of blank walls is considered to be problematic.</p> <p>The first location is on the floor level at the northern boundary of the site (Office 1.02). Due to the aforementioned irregularity in the front title boundaries of the shopping strip, this will result in a permanently blank section of wall visible to the eastern side of Doncaster Road, regardless of any future development on the adjoining property to the east (914A Doncaster Road). This can be addressed via a permit condition requiring the front wall of Office 1.02 to be aligned with the front wall of the restaurant below, creating an angled front wall to the timber façade design feature in the centre of the frontage, removing the blank wall. <b>Condition required.</b></p> <p>The section location is the western elevation, which presents a three-storey blank, sheer wall at the rear of the building. Despite being located within the laneway, this wall will be visible from several locations within <i>Jackson Court</i>. Whilst it is noted that future development may provide screening for this interface, it is considered that additional visual interest can be provided to this façade in the interim. This can be addressed via a permit condition requiring the southern wall at the ground floor level to be provided with a different colour/render finish which is to continue</p>

Policy	Met/Not Met
	<p>around the western elevation, creating a continuous break in the colour finishes visible from the laneway and Jackson Court. <b>Condition required.</b></p> <p>Subject to these conditions, blank walls will be suitable minimised within the development.</p>
<p><i>Commercial and mixed use building facades have visual interest, not exceed 70% glazing, and be articulated by non-glazed vertical and horizontal elements to accentuate windows and other openings.</i></p>	<p><b>Met.</b> All facades are occupied by less than 70 percent glazing. Sufficient articulation is provided to all facades via a range of non-glazed vertical and horizontal elements.</p>
<b>Landscape Design</b>	
<p><i>Landscape design:</i></p> <ul style="list-style-type: none"> <li>• <i>be compatible with the neighbouring area</i></li> <li>• <i>retains indigenous and other mature vegetation wherever possible</i></li> <li>• <i>incorporates screen planting and landscape buffers as an interface to adjoining sites</i></li> <li>• <i>provides canopy trees and indigenous plantings where appropriate</i></li> <li>• <i>provides visual interest to soften the urban built form environment</i></li> <li>• <i>creates private and public open space areas that are accessible, safe, attractive and functional for all users.</i></li> </ul>	<p><b>Met.</b> Despite the 100 percent impervious surfacing, the building incorporates sufficient landscaping opportunities to provide visual interest to the built form. This includes planter boxes along the perimeters of the second and fourth floor levels.</p>
<p><i>Landscape treatment be achieved in front setback areas along main roads by:</i></p> <ul style="list-style-type: none"> <li>• <i>planting a row of large canopy trees which complement the boulevard theme along the front and roadside boundaries within the building setback area where appropriate</i></li> <li>• <i>locating car parking</i></li> </ul>	<p><b>Not applicable.</b> This policy is not appropriate for development within an existing commercial area, where minimal site permeability is anticipated.</p>

Policy	Met/Not Met
<p><i>underneath or at the rear of buildings</i></p> <ul style="list-style-type: none"> <li><i>incorporating elements such as garden beds, paving, artwork and lighting to provide interest for pedestrians.</i></li> </ul>	
<p><i>A detailed landscaping plan be provided, showing species, locations, approximate height and proposed spread of planting, hard surfaces, treatment of change in levels and other landscape features as a condition of any permit.</i></p>	<p><b>Met.</b> The landscape plan submitted with the development is suitable for endorsement as part of any permit issued for the development.</p>
<b>The Public Realm</b>	
<p><i>Building design provide active street frontages to buildings that are situated along main roads, public urban areas, open space areas and pedestrian linkages.</i></p>	<p><b>Met.</b> The ground floor level restaurant and shop are orientated to Doncaster Road, with street level glazing to provide for an active street frontage. The restaurant shows indicative table and chair locations within the external space created by the chamfered building space, further providing for footpath integration. The central entry provides good pedestrian linkages from the footpath.</p> <p>Subject to approvals from Council's Local Laws Unit, the restaurant has the option of providing tables and chairs on the footpath in the future, providing further footpath integration.</p>
<p><i>Designs that appear to suggest ownership of public spaces be avoided.</i></p>	<p><b>Met.</b> No aspects on the application suggest ownership of public spaces.</p>
<p><i>Building design and setbacks enhance pedestrian safety and amenity by allowing for penetration of sunlight and minimising wind tunnelling effects.</i></p>	<p><b>Met.</b> The building design and setbacks are appropriate with regard to the commercial locale and will not impact pedestrian safety or amenity.</p>
<p><i>Building design of commercial buildings enables ground floor activity to be visible from the street.</i></p>	<p><b>Met.</b> The full sized glazing to the northern side of the ground level shop and restaurant will allow activity within these commercial spaces to be visible from the street.</p>
<p><i>Windows, terraces and balconies offer surveillance of adjacent public areas.</i></p>	<p><b>Met.</b> The development provides for a high number of un-screened windows and balconies on the northern and southern elevations, associated with</p>

Policy	Met/Not Met
	<p>both the offices and dwellings. These will offer passive surveillance to all surrounding sides.</p> <p>Further, the introduction of this form of development to <i>Jackson Court</i> will present a vast improvement to the natural safety of the centre by introducing an element of passive surveillance through residential use that has previously been lacking.</p>
<p><i>Pedestrians, cyclists and vehicles are able to move onto and around the site with safety and ease.</i></p>	<p><b>Met.</b></p> <p>The development provides appropriate pedestrian and cycling linkages with at-grade entry to the ground floor level on the northern side and at-grade entry to basement level 1 on the southern side (where the bicycle storage is located).</p> <p>The development will not hinder existing pedestrian or cyclist movement around the site.</p>
<p><i>Pedestrian amenities such as seating, lighting and public art are provided, where appropriate.</i></p>	<p><b>Not applicable.</b></p> <p>Given the nature of the site, the site context and the size of the lot, it is not considered appropriate to provide for pedestrian amenities, lighting or public art.</p>
<p><i>Pedestrian entrances to buildings:</i></p> <ul style="list-style-type: none"> <li>• <i>are clearly visible/identifiable from streets and public areas</i></li> <li>• <i>provide shelter, a sense of personal address and transitional space between the public and private realm.</i></li> </ul>	<p><b>Met.</b></p> <p>The primary entry to the building is appropriately located on the Doncaster Road elevation, providing easy access from the footpath.</p> <p>The entry is clearly identifiable from the footpath, provides a sense of personal address, clearly separated from the shop and restaurant and will be sheltered by the first floor level above. The use of separate canopies over the footpath for the shop and restaurant will provide further delineation of these uses from the centrally located entry.</p>
<b>Landmarks, Views and Vistas</b>	
<p><i>Significant views and vistas are protected through the appropriate location, height and setbacks of new buildings.</i></p>	<p><b>Met.</b></p> <p>Taking into consideration the location of the site, including the surrounding development patterns and the generally flat topography, the development will not impact on any notable views or vistas.</p> <p>The development will maintain and enhance the desired 'viewing corridor' effect of Doncaster Road.</p>

Policy	Met/Not Met
<p><b>Residential Interface</b></p> <p><i>Development is set back sufficient distances from side and rear boundaries to prevent detrimental impacts to neighbouring properties by way of building bulk and overshadowing and to enable appropriate landscape treatment to be provided to soften the appearance of buildings and works.</i></p>	<p><b>Not applicable.</b></p> <p>The nearest residential interface to the subject site is approximately 35 metres away, on the northern side of Doncaster Road. On all other sides, the nearest residential interface is in excess of 100 metres away.</p> <p>Subsequently, the development has no opportunity to detrimentally impact neighbouring residential properties through building bulk or overshadowing.</p>
<p><i>A respectful interface be created with residential areas by:</i></p> <ul style="list-style-type: none"> <li>• <i>Siting building and works to respond to site features on adjoining residential properties such as topography, position of any buildings and existing vegetation.</i></li> <li>• <i>Providing front building setbacks, which create an appropriate transition to residential streetscapes.</i></li> <li>• <i>Internal and external service areas being sensitively located and designed.</i></li> <li>• <i>Buildings being stepped back in height to achieve a suitable transition of scale to adjoining residential properties.</i></li> <li>• <i>Designing the car parking layout to minimise any adverse impacts on nearby properties.</i></li> <li>• <i>Designing and siting security lighting to minimise light spill to adjoining properties.</i></li> <li>• <i>Maintaining the privacy of adjoining properties through the sensitive siting and design of car parks, windows, doors, service areas, outdoor</i></li> </ul>	<p><b>Not applicable.</b></p> <p>As listed above, the nearest residential interface is 35 metres away on the northern side of Doncaster Road, whilst the eastern, southern and western sides have no residential interfaces within 100 metres.</p> <p>Subsequently, it is considered that a respectful interface is automatically achieved by virtue of the setback between the proposed development and the nearest residential properties.</p> <p>More specifically, Doncaster Road provides significant physical and visual separation to the nearest residential properties, making the need for any built form transition for visual or amenity purposes redundant.</p> <p>On the eastern, southern and western sides, the significant setbacks from the nearest residential properties ensure the need for any additional 'sensitive' interface treatment is unnecessary.</p>

Policy	Met/Not Met
<p><i>areas and the use of appropriate techniques including the treatment of windows, boundary fences, screening, and landscaping techniques.</i></p>	
<p><b>Car Parking and Driveway Construction</b></p>	
<p><i>Car parking areas and driveways contribute to the function, safety and appearance of the development by:</i></p> <ul style="list-style-type: none"> <li>• <i>Being designed for convenient access, having well-defined vehicle entry points, clearly separating vehicular and pedestrian circulation, and enabling vehicles to exit the site in a forward direction onto abutting roads.</i></li> <li>• <i>Being surfaced, drained, constructed and line-marked in accordance with good engineering practice and, where appropriate, be in accordance with an engineering construction plan submitted to and approved by the responsible authority.</i></li> <li>• <i>Encouraging paved surfaces and other hard standing areas to be constructed with dark coloured concrete or bitumen, coloured patterned concrete or brick paving.</i></li> <li>• <i>Landscaping car parking areas with appropriate canopy trees, where practical, and maintaining them in accordance with an approved landscape plan.</i></li> <li>• <i>Providing a planting strip of a minimum width of 1.5 metres along the</i></li> </ul>	<p><b>Met.</b></p> <p>The basement levels have been appropriately designed both visually and functionally, ensuring no adverse impacts from excessive basement protrusion and efficient vehicle movement for ingress and egress.</p> <p>Where the basement does protrude above ground level on the southern side, appropriate treatment has been provided through the use of appropriate architectural and landscaping treatment.</p> <p>The Traffic Impact Report submitted with the application demonstrates that forward entry and exit from the basement can be achieved for all car parking spaces within a reasonable number of vehicle manoeuvres. In addition, forward entry and exit can also be achieved for the designated waste collection vehicle in an orderly manner.</p> <p>The development has been appropriately designed to completely separate pedestrian and vehicle entries and movements. The northern elevation is designed at a streetscape level to not only provide pedestrian access, but also to encourage pedestrian integration, whilst the southern elevation has been designed solely for vehicle access.</p> <p>Engineering plans will be required as necessary to ensure appropriate car parking and vehicle access at an engineering level.</p>

Policy	Met/Not Met
<p><i>residential boundary where at-grade car parking areas and driveways abut residential properties, in order to screen the parking area.</i></p> <ul style="list-style-type: none"> <li>• <i>Minimising the protrusion of basement car parks above ground level.</i></li> <li>• <i>Incorporating undercroft car parking where appropriate and visually integrating multi-deck car parks with adjoining streetscapes</i></li> </ul>	
<p><i>Car parks, accessways and set down areas provide for safe and efficient traffic movement.</i></p>	<p><b>Met.</b> As stated above, the basement levels have been designed for safe, efficient and orderly traffic movement, with all spaces and aisled designed to accommodate for forward ingress and egress for all spaces.</p>
Subdivision	
<p><i>Applications for subdivision be accompanied by a site analysis of the site and surrounds showing:</i></p> <ul style="list-style-type: none"> <li>• <i>Site shape, dimensions and size.</i></li> <li>• <i>Orientation and contours.</i></li> <li>• <i>Trees and other significant vegetation.</i></li> <li>• <i>The siting and use of existing buildings on the site.</i></li> <li>• <i>Street frontage features such as poles, street trees, and kerb crossovers.</i></li> <li>• <i>Access points.</i></li> <li>• <i>Drainage and infrastructure connections.</i></li> <li>• <i>Easements.</i></li> <li>• <i>Significant views to and from the site.</i></li> <li>• <i>Noise and odour sources or other external influences.</i></li> </ul>	<p><b>Not applicable.</b> No subdivision is included as part of the proposal.</p>

Policy	Met/Not Met
<ul style="list-style-type: none"> <li>• <i>Soil conditions, including any land affected by contamination, salinity or fill.</i></li> <li>• <i>Any other notable features or characteristics of the site.</i></li> <li>• <i>A traffic survey providing a detailed analysis of the expected traffic generation and the capacity of the local road network accompany applications as appropriate.</i></li> <li>• <i>The width of road and driveway pavement is appropriate for the number of lots and is adequate to enable convenient movement by service, emergency and waste collection vehicles.</i></li> <li>• <i>Communal or visitor car parking is provided within common property.</i></li> <li>• <i>In the case of unsewered land, effluent envelopes be delineated on sites with environmental or servicing constraints, implemented by an Agreement under section 173 of the Planning and Environment Act 1987 as necessary.</i></li> </ul>	

8.23 Schedule 1 to the Design and Development Overlay (DDO1) pertains to the *Doncaster Road Strategy Area* and has been generally applied to all non-residential properties along Doncaster Road.

8.24 DDO1 provides the following design objectives:

- *To achieve good design outcomes.*
- *To improve the attractiveness of Doncaster Road and to ensure that new development enhances the visual amenity and role of Doncaster Road as a viewing corridor.*

- *To enhance the viability and vitality of commercial activities along Doncaster Road.*
- *To ensure that advertising signs are compatible with the style of the built form and do not create visual clutter.*
- *To enhance the residential environment and improve facilities for public transport, pedestrians and cyclists.*
- *To promote safe pedestrian and bicycle access.*
- *To improve traffic efficiency and safety.*
- *To protect and enhance the amenity and liveability of residential areas.*

8.25 These design objectives are implemented by a series of buildings and works requirements. An assessment against these requirements is provided as follows:

Requirement	Met/Not Met
New development must:	
<ul style="list-style-type: none"> <li>• <i>Recognise the importance of Doncaster Road as a main viewing corridor.</i></li> </ul>	<p><b>Met.</b> The development assists in the creation of the 'viewing corridor' effect by providing a built form edge to the road reserve of Doncaster Road. The notable setback between the subject site and the road created by the enlarged footpath and the adjacent car parking, ensures the development will not have an unreasonable imposition on Doncaster Road.</p>
<ul style="list-style-type: none"> <li>• <i>Be set back 5 metres from the Doncaster Road frontage or have a sufficient setback from the Doncaster Road frontage to create a consistent built edge and incorporate tree planting and landscaping to achieve a boulevard character (This does not apply to dwellings).</i></li> </ul>	<p><b>Met.</b> Despite the building being built to the front boundary, the development will be located a sufficient distance from Doncaster Road due to the aforementioned footpath size and car parking. An adequate setback will be observed to maintain the boulevard character.</p> <p>Subject to the conditions discussed under the Clause 22.01 assessment, the development will appropriately respond to the irregularities in the front boundary alignment of the shopping strip, providing a link between the consistent built edge to the east and west.</p>
<ul style="list-style-type: none"> <li>• <i>Create distinctive identities for gateways.</i></li> </ul>	<p><b>Not applicable.</b> The subject site is not considered to be in a 'gateway' location.</p>
<ul style="list-style-type: none"> <li>• <i>Ensure that car parking areas are kept to the rear of buildings if possible.</i></li> </ul>	<p><b>Met.</b> All car parking is contained within the basement level, accessible from the right-of-</p>

Requirement	Met/Not Met
	way located to the rear (southern side).
<ul style="list-style-type: none"> <li>• <i>Allow vehicles to exit the site in a forward direction.</i></li> </ul>	<p><b>Met.</b> As per the submitted Traffic Impact Report, the basement levels have been designed to accommodate forward entry and exit from the basement for all car parking spaces within a reasonable number of vehicle manoeuvres</p>
<ul style="list-style-type: none"> <li>• <i>Protect the capacity of the road and promote public safety by minimising the number of access points to Doncaster Road.</i></li> </ul>	<p><b>Met.</b> No vehicle access points to Doncaster Road are proposed.</p>
<ul style="list-style-type: none"> <li>• <i>Create visual interest and be compatible with the neighbourhood character by providing:</i> <ul style="list-style-type: none"> <li>○ <i>Articulated building facades and highlighted building entries.</i></li> <li>○ <i>Façade materials that do not exceed 70 per cent glazing.</i></li> <li>○ <i>Building heights that are responsive to the heights of adjoining buildings and do not cause a significant loss of amenity to adjoining properties.</i></li> </ul> </li> </ul>	<p><b>Met.</b> The proposed building provides for sufficient levels of visual interest that are compatible with the neighbourhood character.</p> <p>These elements have been addressed in greater detail under the Clause 22.01 assessment.</p>
<p><i>The landscape design must integrate development with adjoining properties and provide an attractive environment and buffer to these properties.</i></p>	<p><b>Not applicable.</b> Due to the location of the site within an existing commercial area that is defined by hard-surfacing, an integrated landscaping buffer to adjoining properties is considered to be unnecessary.</p>
<p><i>Planting within the building setback area must include a row of avenue trees.</i></p>	<p><b>Not applicable.</b> No front building setback is proposed or required.</p>

### Car Parking, Access, Traffic, Loading/Unloading, and Bicycle Parking

#### Clause 52.06 Car Parking & Clause 45.09 Parking Overlay

8.26 Clause 52.06 Car Parking applies to a new use or an increase in the floor or site area of an existing use, establishing the minimum required rate of car parking for land uses and criteria for the layout of on-site car parking and accessways.

- 8.27 Prior to a new use commencing or the increase to the floor area or site area of an existing use, Clause 52.06-2 of the Scheme requires that the number of car parking spaces outlined at Clause 52.06-5 be provided on the land or as approved under Clause 52.06-3, to the satisfaction of the Responsible Authority.
- 8.28 Clause 52.06-5 requires that resident car parking be provided at a rate of one (1) space for each dwelling with one or two bedrooms and two (2) spaces for each dwelling with three or more bedrooms. Clause 52.06-5 also requires visitor car parking be provided at a rate of one (1) space for every five (5) dwellings.
- 8.29 Clause 52.06-5 requires that car parking be provided at a rate of three and a half (3.5) car parking spaces for every 100 square metres of net floor area for an office and point-four (0.4) car parking spaces for each patron permitted for a restaurant. Schedule 2 to the Parking Overlay modifies the requirements of Clause 52.06-5, requiring two point-seven (2.7) car parking spaces for each 100 square metres of leasable floor area for a shop.
- 8.30 In accordance with Clause 52.06-5, the proposed development requires twenty-two (22) car parking spaces for residents, three (3) car parking spaces for visitors, thirty-nine (39) car parking spaces for the offices, four (4) car parking spaces for the shop and twenty-four (24) car parking spaces for the restaurant. The development requires a total of ninety-two (92) car parking spaces.
- 8.31 Within the three basement levels, the proposal includes twenty-two (22) resident car parking spaces, thirty-six (36) office car parking spaces, two (2) shop car parking spaces, four (4) restaurant car parking spaces and one (1) unallocated accessible space. A total of sixty-five (65) car parking spaces are provided.
- 8.32 Schedule 2 to the Parking Overlay (PO2) states that *a provision of up to 5 spaces per lot in the Jackson Court Neighbourhood Activity Centre car park can be counted towards the requirement as well as any parking credits associated with the previous uses on the site.*
- 8.33 As the development includes four (4) lots, twenty (20) spaces within the *Jackson Court* public car park can be counted towards the aforementioned car parking requirements. No previous planning permits have been issued for car parking reductions for the site. Accordingly, a total of seventy-two (72) car parking spaces are required, resulting in a shortfall of seven (7) spaces within the development. The application seeks to reduce (waive) the requirement of these seven (7) spaces.
- 8.34 The decision guidelines of Clause 52.06-7 provide Council with a range of factors that must be considered when assessing an application to reduce the number of car parking space required. The following paragraphs includes an assessment based on these decision guidelines.
- 8.35 The car parking demand assessment submitted with the application suggests that the car parking shortfall associated with the development can be readily accommodated within the existing car parking infrastructure.
- 8.36 Crucially, sufficient car parking spaces are allocated for residents of the dwellings, in accordance with the statutory requirements, and for staff of the commercial uses within the development, as anticipated by the traffic report submitted with the application. The different commercial uses within the proposed development are anticipated to have different peak times. That is to

say, demand for car parking for the office and shop is likely to be at peak during conventional business hours, whilst demand for the restaurant and visitor spaces for the dwellings will likely be at peak outside of these hours. There is therefore opportunity for restaurant patrons and visitors to the dwellings to utilise the office car parking spaces when the offices are not in operation.

- 8.37 Practically, the ability to provide car parking spaces on the site, given the size of the lots and development character of the activity centre, is limited. The proposed development overcomes these limitations by providing three basement levels of car parking.
- 8.38 The existing restaurant at 910-912 Doncaster Road (*Malaysian Kitchen*), operated with a patronage of ninety (90), requiring thirty-six (36) on-site car parking spaces. The restaurant provides approximately eight (8) informal car parking spaces at the rear of the site. Accounting for the credit of the PO2, the existing restaurant is therefore operating with a deficiency of eighteen (18) spaces. The proposed reduction of seven (7) spaces therefore represents a better outcome relative to the statutory parking requirements. It is further noted that the biggest deficiency within the proposed development is associated with the restaurant.
- 8.39 Doncaster Road is one of Manningham’s most well serviced public transport corridors, with three bus routes servicing the bus stops located outside of *Jackson Court*. In light of this, access to alternative transport modes to and from *Jackson Court* is considered to be high when compared to the availability of public transport within Manningham.
- 8.40 Considering these factors, the proposed reduction in the required car parking rate by way of seven (7) spaces is considered to be acceptable. It is noted that Council’s Traffic Engineers, as per the Engineering and Technical Services referral response, do not support the proposed reduction. However, in consideration of the relevant decision guidelines (as above), it is considered that the proposed development will result in a net, positive contribution to car parking within *Jackson Court*.
- 8.41 It is noted that the restaurant at 904 Doncaster Road (*Zero95*) currently relies on the informal car parking spaces at the rear of the subject site (910-912 Doncaster Road) in order to accommodate increased patronage. Planning Permit PL14/024770, which approved this arrangement, contains a note that the increased patronage operation must cease if these car parking spaces are no longer available. If approved, Council Officers will need to contact the operators of 904 Doncaster Road to inform them that a new application is required.
- 8.42 An assessment against the car parking design standards at Clause 52.06-9 of the Scheme is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	<p><b>Met.</b></p> <p>The accessway is at least 3 metres wide.</p> <p>An internal radius of at least 4 metres or with a width of 4.2 metres is provided at all changes of direction.</p> <p>Minimum headroom of at least 2.1 metres is provided beneath all overhead obstructions.</p>

Design Standard	Met/Not Met
	<p>The accessway and car parking layout has been designed to allow for forward entry and exit to the site for all spaces.</p> <p><b>Not met.</b> Corner splays, or an area at least 50 percent clear of visual obstructions, have not been correctly depicted adjacent to the entry to the basement car park. <b>Condition required.</b></p>
2 – Car Parking Spaces	<p><b>Met</b> All car parking spaces achieve the minimum dimension requirements established by Table 2: Minimum dimensions of car parking spaces and accessways.</p>
3 – Gradients	<p><b>Met</b> The driveway gradients have been designed in accordance with Design Standard 3, including compliance with the maximum gradient requirement and the implementation of suitable transition sections for all sag and summit changes.</p>
4 – Mechanical Parking	<p><b>Not applicable</b> No mechanical parking proposed.</p>
5 – Urban Design	<p><b>Met</b> The basement entry is appropriately designed and sited relative to the southern elevation of the development and will not visually dominate public space.</p>
6 – Safety	<p><b>Met, with condition</b> No lighting or signage details for the basements are shown on the submitted plans however condition 19 will require this level of detail (suitable lighting and signage to delineate each car parking space) to be shown on plans to be endorsed.</p> <p>The proposal includes three levels of basement car parking. Plans are annotated to show that Basement 1 will provide 27 car parking spaces for the office, shop and restaurant, Basement 2 will provide 24 car parking spaces for the office and dwellings, and Basement 3 will provide car parking for the dwellings only. All basement levels will be secure by virtue of the fact that the main entrance to Basement 1 from the ROW will be provided with a secure garage door and operated by a remote control. Internally, access from Basement 1 to Basement 2 is via a security door located at the entry to Basement 2. The car parking areas are considered to be appropriately secure for a mixed-use development while still allowing the sharing of car parking spaces to occur between the different uses within the building (which has been put forward as a way of justifying the on-site car parking provision and the proposed reduction to the Scheme's car parking requirement).</p> <p>Internally, each basement level is linked with a staircase. People would be able to gain access to the basements via the ground level main lobby entry, lift and stairs. From the ROW, people</p>

Design Standard	Met/Not Met
	could gain access to Basement 1 via the remote controlled secure garage door.
7 – Landscaping	<b>Met</b> Suitable landscaping opportunities are provided on the southern elevation to provide visual interest to the undercroft style entry to the basement level.

#### Traffic Impacts

- 8.43 It is not anticipated that the volume of traffic that is likely to be generated by the development will have a material impact on the capacity and operation of Doncaster Road, *Jackson Court* or the surrounding road network and intersections. The recommendations of Council's Traffic Engineers, as per the Engineering and Technical Services referral response, to alter the right-of-way to one-way only, will assist in traffic circulation within *Jackson Court*.
- 8.44 VicRoads has raised concerns regarding the expected traffic generated by the proposed development and potential impacts to the signalised intersection on Doncaster Road. It is noted that VicRoads is not a referral authority under the *Planning and Environment Act 1987* or the Manningham Planning Scheme for this application.
- 8.45 As the proposed development is located within an existing activity centre, the impacts to the signalised intersection on Doncaster Road caused by the additional traffic generated by this development is not considered to be a necessary consideration of this application. Subsequently, VicRoads concerns will not be further addressed within the report. It is noted that, if necessary, VicRoads can explore changes to the signalised intersection in the future, outside of this application process.
- 8.46 The Traffic Impact Report submitted with the application anticipates that peak traffic generated by the development at both AM and PM peak periods can be accommodated within the surrounding road network capacity and will have a negligible impact on the right-of-way, *Jackson Court* and the surrounding network.

#### Clause 52.07 Loading and Unloading of Vehicles

- 8.47 Clause 52.07 Loading and Unloading of Vehicles applies to any development relating to the manufacture, servicing, storage or sale of goods and materials, requiring sufficient space and associated access be set aside on-site for the loading and unloading of vehicles.
- 8.48 As the proposed development includes a loading bay component, this clause applies. The development does not include a dedicated loading bay area.
- 8.49 Clause 52.07 specifies that a permit may be granted to reduce or waive these requirements if either:
- *The land area is insufficient.*

- *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*

- 8.50 In accordance with these factors, the land area is considered to be insufficient, noting that the majority of the lots within *Jackson Court* do not have a dedicated loading bay space. This is considered to be standard for activity centres of this size, which feature predominantly smaller scale uses that are serviced by smaller delivery vehicles that can utilise conventional parking spaces. Loading and unloading for the restaurant and shop could realistically occur from within the basement.
- 8.51 In addition, the recommendations of Council's Traffic Engineers, as per the Engineering and Technical Services referral response, to provide a loading bay within the right-of-way will provide dedicated loading facilities for the proposed development and the existing retailers that utilise the right-of-way. This can be included as a condition of any approval (**Condition required**).
- 8.52 Considering the above, despite the lack of a dedicated loading bay, adequate provision is made for loading and unloading of vehicles both on-site and within the right-of-way.

#### Clause 52.34 Bicycle Facilities

- 8.53 Clause 52.34 Bicycle Facilities applies to residential developments of four (4) or more storeys, requiring one (1) bicycle space to each five (5) dwellings for residents and one (1) bicycle space to each ten (10) dwellings for visitors. Clause 52.34 also applies to an office development in excess of 1,000 square metres, requiring one (1) bicycle space to each 300 square metres of net floor area for employees and one (1) bicycle space to each 1000 square metres of net floor area for clients and a restaurant development, requiring one (1) bicycle space to each 100 square metres of floor area. Clause 52.34 does not apply to a shop of less than 1,000 square metres.
- 8.54 In accordance with Clause 52.34-3, the proposed development requires five (5) bicycle spaces for the dwellings, four (4) spaces for the offices and one (1) bicycle space for the restaurant. The development requires a total of ten (10) bicycle spaces.
- 8.55 Within Basement 1, the proposal includes a bike storage room with space and facilities for fourteen (14) bikes. The proposed development therefore satisfies the statutory bicycle space requirements.

#### **On-site and Off-Site Amenity Impacts**

- 8.56 As discussed under the Local Planning Policy and the Design, Built Form and Landscaping assessments, the scale of the proposed building is generally consistent with the expectation of development for Neighbourhood Activity Centres. Notwithstanding the policy support for the site's redevelopment, these factors are not the only relevant planning consideration. Good design and amenity considerations, both on-site and off-site, must also be considered.
- 8.57 For developments of five or more storeys, these factors were previously considered in accordance with the *Guidelines for Higher Density Residential Development* 2004. These guidelines were removed from the Manningham

Planning Scheme and replaced by the *Urban Design Guidelines for Victoria 2017* under Amendment VC139, gazetted on 29 August 2017.

- 8.58 The *Urban Design Guidelines for Victoria 2017* focus on the design of public spaces and building design in relation to a building's interface with public spaces. These guidelines are intended to be used in conjunction with the *Apartment Design Guidelines for Victoria 2017*, which focus on internal and external amenity.
- 8.59 The particulars of these guidelines are implemented through Clause 58 Apartment Developments of the Scheme, which was gazetted on 13 April 2017 as part of Amendment VC136. However, this clause does not apply to this application, as the application was received by Council prior to the gazettal date and therefore receives the benefit of the transitional provisions listed under Clause 34.01-4 of the C1Z.
- 8.60 Given the need to assess amenity, and due to these new guidelines not being applicable to this application, this report will use the *Guidelines for Higher Density Residential Development 2004* as a guide to assess the proposal as the relevant planning guideline that was in place at the time the application was lodged.

#### Off-site amenity

- 8.61 The *Design Guidelines for Higher Density Residential Development 2004* provide design criteria for assessing off-site amenity impacts.
- 8.62 All properties immediately abutting and surrounding the subject site is located within the Commercial 1 Zone and are not currently developed for residential purposes. As such, amenity impacts to residential properties from the proposed development will be negligible. The proposed development is considered to be of a scale that is anticipated within both the Commercial 1 Zone and Neighbourhood Activity Centres.
- 8.63 Although the provisions of Clause 55 Two or More Dwellings on a Lot and Residential Buildings do not apply to this development, the numerical standards provided for assessing amenity impacts under Clause 55 are widely accepted planning principles for assessing whether amenity impacts are 'reasonable' or 'unreasonable'.
- 8.64 Besides side and rear setbacks (Standard B17) and walls on boundaries (Standard B18), the development comfortably complies with all standard requirements (Standard B19 to Standard B24) of Clause 55.04 Amenity Impacts. As such, amenity impacts are not considered to be of concern for the proposed development.

#### On-Site Amenity

- 8.65 The *Design Guidelines for Higher Density Residential Development 2004* provide useful guidance with regard to on-site amenity. The following response is provided to Element 4, Element 4 and Element 6 of the guidelines:

Requirement	Met/Not Met
<b>Element 4</b>	
<b>Objective 4.1</b> <i>To provide adequate, safe and</i>	<b>Met.</b> The basement levels have been designed to

Requirement	Met/Not Met
<i>efficiently designed parking layouts.</i>	<p>accommodate adequate, safe and efficient vehicle movement and car parking.</p> <p>These items have been addressed in greater detail under the Clause 52.06 assessment.</p>
<p><b>Objective 4.2</b> <i>To provide safe and convenient access between car parking and bicycle areas and the pedestrian entry to buildings.</i></p>	<p><b>Met.</b> The development provides an appropriate and functional layout with regard to car parking, bicycle storage areas and pedestrian entries.</p> <p>The use of entirely separate pedestrian and vehicle entries for the development, located on different sides of the building, is addressed under the Clause 22.01 assessment and considered to be a good outcome.</p> <p>The bicycle storage spaces are appropriately located within Basement 1, accessible through either the pedestrian entry (via the lift) or through the vehicle entry. The bicycle storage area is located a reasonable distance from the lift to ensure convenient access from residents and other building occupants.</p>
<p><b>Objective 4.3</b> <i>To create shared internal spaces that contribute positively to the experience of living in higher density development.</i></p>	<p><b>Not applicable.</b> This development is not considered to be of a scale where internal shared spaces are necessary.</p>
<p><b>Objective 4.4</b> <i>To minimise running and maintenance costs.</i></p>	<p><b>Met subject to conditions.</b> In accordance with the comments from Council's Sustainability consultants, permit conditions will be included to maximise the energy efficiency of the development.</p> <p>Subject to these conditions, running and maintenance costs will be suitably minimised.</p>
<p><b>Objective 4.5</b> <i>To minimise water use.</i></p>	<p><b>Met subject to conditions.</b> In accordance with the comments from Council's Sustainability consultants, permit conditions will be included to ensure a suitably water efficient development.</p> <p>Subject to these conditions, water use will be suitably minimised.</p>
<p><b>Objective 4.6</b> <i>To incorporate provision for site services in the building design to</i></p>	<p><b>Met.</b> Several 'service' rooms and spaces are provided with the basement levels. These</p>

Requirement	Met/Not Met
<i>ensure good function and ease of service and maintenance</i>	<p>are appropriately located to not impede the function of the basement and are considered to be of an adequate size.</p> <p>Additional services will be mounted on the roof of the development. These services are shown to be appropriately screened by the use of timber batten screening so as to not detract from the appearance of the building.</p>
<b>Element 5</b>	
<p><b>Objective 5.1</b> <i>To provide a range of dwelling sizes and types in higher density residential developments.</i></p>	<p><b>Met.</b> The development provides four (4), one bedroom dwellings, ten (10) two bedroom dwellings and four (4), three bedroom dwellings. For a development of this scale, this is considered to constitute a sufficient mix of dwelling sizes.</p>
<p><b>Objective 5.2</b> <i>To optimise the layout of buildings in response to occupants' needs as well as identified external influences and characteristics of a site.</i></p>	<p><b>Met.</b> The layout of the building appropriately responds to the surrounding characteristics of the site in a number of ways.</p> <p>This includes the siting of the residential levels above the commercial levels, thus removing the dwellings from the ground level commercial areas of <i>Jackson Court</i>, and the lack of windows on the eastern and western elevations so as to allow for the anticipated future development.</p>
<p><b>Objective 5.3</b> <i>To create functional, flexible, efficient and comfortable residential apartments.</i></p>	<p><b>Met.</b> All dwellings have been designed to provide appropriate internal dimensions for habitable rooms and ensure minimum levels of daylight is received.</p> <p>Overall, the dwellings are of acceptable sizes, ranging between 58 square metres (one bedroom) and 118 square metres (three bedroom).</p>
<p><b>Objective 5.4</b> <i>To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.</i></p>	<p><b>Met subject to conditions.</b> The development avoids the need for 'borrowed light', with all habitable room windows provided with at least one, "clear to the sky" window.</p> <p>Where possible, the dwellings are provided with multiple-aspects, utilising the light court on the eastern and western elevation. There are minimal examples of single aspect</p>

Requirement	Met/Not Met
	<p>dwelling (Dwellings 2.05, 2.06, 3.05 and 3.06 only).</p> <p>Consequently, all habitable rooms will have the opportunity for adequate natural lighting and ventilation.</p> <p>There are a number of existing uses within <i>Jackson Court</i> that may affect the amenity of future residents within the development, through either noise or smell. A permit condition will be included to require details of any measures to limit noise and smell pollution to the balconies and habitable room windows of the dwellings.</p> <p><b>Condition required.</b></p>
<p><b>Objective 5.5</b> <i>To provide adequate storage space for household items.</i></p>	<p><b>Met</b></p> <p>The internal rooms of each dwelling are of sufficient size to accommodate for their intended purposes.</p> <p>Additional storage spaces are provided within the basement levels within storage rooms and lockable, chain mesh cages.</p> <p>Overall, the storage provision within the development is adequate.</p>
<p><b>Objective 5.6</b> <i>To promote buildings of high architectural quality and visual interest.</i></p>	<p><b>Met.</b></p> <p>The development is of high architectural quality and provides sufficient visual interest.</p> <p>The design of the building is assessed in greater detail under the Clause 22.01 assessment.</p>
<b>Element 6</b>	
<p><b>Objective 6.1</b> <i>To ensure access to adequate open space for all residents.</i></p>	<p><b>Met.</b></p> <p>All dwellings are provided with balconies of at least 10 square metres, with a minimum dimension of at least 2 metres, or terraces of at least 37 square, with minimum dimensions of at least 2 metres.</p> <p>Whilst not applicable to this application, it is noted that the minimum size and dimension for all balconies and terraces exceeds the requirements of Standard B28 of Clause 55.05-4 Private Open Space of the Manningham Planning Scheme.</p>

Requirement	Met/Not Met
	Subsequently, sufficient open space areas have been provided to all dwellings for a development of this nature.
<p><b>Objective 6.2</b>  <i>To ensure common or shared spaces are functional and attractive for their intended users.</i></p>	<p><b>Met.</b>            The basement levels and internal lobbies have been appropriately designed for their shared functionality.</p> <p>No other common or shared spaces are provided within the development, which is appropriate for a development of this scale.</p>
<p><b>Objective 6.3</b>  <i>To allow solar access to the private and shared open spaces of new high density residential units.</i></p>	<p><b>Met.</b>            The development has maximised the northern interface for the provision of balconies and terraces where possible.</p> <p>Whilst some balconies feature southern aspects only, this is considered to be acceptable given the constraints imposed by the orientation of the site and the future development of adjoining lots.</p>
<p><b>Objective 6.4</b>  <i>To integrate the design of shared and private open space into the overall building design and facade composition.</i></p>	<p><b>Met.</b>            The secluded private open space areas have been appropriately located within the design of the development, with the balconies and terraces situation within design elements of the building.</p>
<p><b>Objective 6.5</b>  <i>To provide for greenery within open spaces.</i></p>	<p><b>Met.</b>            The secluded private open space areas of dwellings on the second and fourth floor level are provided with fixed planter boxes providing sufficient opportunity for greenery.</p>
<p><b>Objective 6.6</b>  <i>To create public open space appropriate to its context.</i></p>	<p><b>Not applicable.</b>            No public open space is provided. This is considered to be acceptable given the scale of the development and the commercial nature of the surrounding area.</p>

### Objector Concerns

8.66 A response to the grounds of objection is provided in the following paragraphs

#### Car parking within Jackson Court

8.67 The car parking provision for the development has been assessed in accordance with the requirements of Clause 52.06 Car Parking and Clause 45.09 Parking

Overlay of the Manningham Planning Scheme, which is provided in detail under sections 8.26 to 8.42 of this report.

- 8.68 In short, despite the proposed shortfall from the statutory car parking requirement of seven spaces, the car parking provision within the development is acceptable having regard to the relevant decision guidelines of the above mentioned clauses of the Manningham Planning Scheme. Given a range of factors, including the current uses of the land and the nature of the proposed development, it is considered that the proposed development will result in a net, positive contribution to car parking within *Jackson Court*.

#### Overdevelopment of the land

- 8.69 The size and scale of the proposed development has been assessed in accordance with the applicable local policies for development within Neighbourhood Activity Centres and commercial areas within the Manningham Planning Scheme, which provided in detail under Sections 8.9 to 8.19 of this report. The development is considered to be of a scale which is anticipated and encouraged by the aforementioned planning policies
- 8.70 In addition, the proposed development has been assessed against the specific requirements of Clause 22.01 Design and Development Policy of the Manningham Planning Scheme, which is considered to be the most relevant guiding policy for development within Neighbourhood Activity Centres. The assessment is provided in detail under Section 8.20 to 8.23 of this report. Subject to recommended conditions, the development will meet the specific policies of this clause, relating to *context, landscape design, the public realm, landmarks, views and vistas, residential interface, car parking and driveway construction and subdivision*.
- 8.71 In light of the above, the development is not considered to be an overdevelopment of the land.

#### Overdevelopment of *Jackson Court*

- 8.72 As assessed under the local planning policy assessment section of this report, from sections 8.9 to 8.18, the applicable local planning policies promote the increased growth, both residential and commercial, within Neighbourhood Activity Centres. Relative to these objectives and the scale of surrounding residential development, the proposed development is considered to be of a suitable scale for a neighbourhood activity centre.
- 8.73 There are currently no urban design masterplans or structure plans in place for *Jackson Court*. In the absence of these plans, the aforementioned policies for Neighbourhood Activity Centres are the most relevant to guide the scale of development for *Jackson Court*. Any future limitations or guides to the scale of development is a matter for Council to consider at a wider strategic level, not as a part of individual planning permit applications.

#### Traffic impacts to *Jackson Court*, Doncaster Road and the surrounding street network

- 8.74 Traffic impacts from the proposed development have been assessed in detail in sections 8.43 to 8.46 of this report. Any approved permit should include conditions requiring alteration of the right-of-way, to provide for one way traffic

only in accordance with the recommendations of Council's Traffic Engineers. This will alleviate traffic movement issues within *Jackson Court*.

- 8.75 Additional traffic impacts to the activity centre and Doncaster Road generated by this development will be negligible in context of existing traffic patterns. At any rate, additional impacts to the road are not considered to be of concern to this application, given that the development is situated within an existing activity centre which should reasonably expect a high level of traffic.

## **9. DECLARATION OF CONFLICT OF INTEREST**

- 9.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.